

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE <b>J</b>		PAGE OF PAGES <b>1   4</b>	
2. AMENDMENT/MODIFICATION NO. <b>0009</b>		3. EFFECTIVE DATE <b>18-Mar-2004</b>		4. REQUISITION/PURCHASE REQ. NO. <b>W16ROE-3203-8775</b>		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN:CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278		CODE <b>W912DS</b>		7. ADMINISTERED BY (If other than item 6) CIVIL WORKS TEAM USACOE-NY DISTRICT COST ENGRG BR/CW TEAM NEW YORK NY 10278-0090		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				<input checked="" type="checkbox"/> X		9A. AMENDMENT OF SOLICITATION NO. <b>DACW51-03-B-0019</b>	
				<input checked="" type="checkbox"/> X		9B. DATED (SEE ITEM 11) <b>22-Aug-2003</b>	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>							
<input checked="" type="checkbox"/> X The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> X is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>  1  </u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS.</b> <b>IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.</b>							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The purpose of this amendment is to incorporate the following: 1) Revised Specifications 2) Revised Plans  The bid opening date and location remains the same.  Note: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: In the space provided on the SF1442, by separate letter, or by telegram, or by signing the block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR 14.304)   Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA		16C. DATE SIGNED	
_____ (Signature of person authorized to sign)				BY _____ (Signature of Contracting Officer)		<b>18-Mar-2004</b>	

## SECTION SF 30 BLOCK 14 CONTINUATION PAGE

**SUMMARY OF CHANGES**

## SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

AMENDMENT 0009**NOTICE TO BIDDERS**

Failure of the bidder to Acknowledge receipt of this Amendment in Item 19 of Standard Form 1442 (Pg. 00010-2) may result in REJECTION of the bid.

IFB NO. DACW51-03-B-0019

Amendment No. 9

Department of the Army, NYD  
Corps of Engineers  
New York, NY 10278-0090

**AMENDMENT NO. 9:** TO SPECIFICATIONS FOR GREEN BROOK SUB BASIN OF THE RARITAN RIVER  
GREEN BROOK FLOOD CONTROL PROJECT SEGMENT U BOROUGH OF BOUNDBROOK NEW  
JERSEY

**TO BIDDERS****1. Bid Opening:****2. Specifications:**

- a. Spec section 01354 subsection 1.3.2 have had the following changes made:  
Reference to Section 00903 deleted. Stream Encroachment Freshwater Wetlands Permits included under Amendment #7.
- b. Sections 02340; 02378a; 02713; 02770; 03101; 03151 had the following changes made: The Government Approval status and Reviewer of submittals has been changed for each of these sections, and subsequently each submittal register has been revised.
- c. Section 00800 – Special Contract Requirements - (pg 70 of 88) - Para. 6 Contract Drawings, Maps and Specifications: Index Sheets revised to indicate sheet 1 of 43.
- d. Submittal register for spec section 01354 has been revised and is included in this amendment.
- e. Spec Section 00800: Add paragraph 42 Continuing Contracts (Mar 1995) – EFARS 52.232.5001 . Paragraph 42 is included with this Notice to Bidders and follows on accompanying pages.

**3. Plans:**

- a. Sheet #4:
  - Two notes were added per request from Real Estate / garage tenant. Contractor Access area limits were added in vicinity of Garage near Route 22, and temporary Construction Sign notes and details added.
- b. Sheet #31: Soil Erosion and Sediment Control Notes:
  - Address for Freehold Soil Conservation District deleted

- Note #25 added.
  - c. Sheet #2
    - Utility relocation note corrected.
  - d. Sheet #41
    - General note #5 corrected. References to 4 are now 4X.
4. This Amendment shall be attached to the specifications and shall be a part thereof.

Continuing Contracts (Mar 1995) – EFARS

- (a) This is a continuing contract, as authorized by Section 10 of the River and Harbor Act of September 22, 1922 (33 U.S. Code 621). The payment of some portion of the contract price is dependent upon reservations of funds from future appropriations, and from future contribution to the project having one or more non-federal project sponsors. The responsibilities of the Government are limited by this clause notwithstanding any contrary provision of the "Payments to Contractor" clause or any other clause of this contract.
- (b) The sum of \$2,000,000 has been reserved for this contract and is available for payments to the contractor during the current fiscal year. It is expected that Congress will make appropriations for future fiscal years from which additional funds together with funds provided by one or more non-federal project sponsors will be reserved for this contract.
- (c) Failure to make payments in excess of the amount currently reserved, or that may be reserved from time to time, shall not entitle the contractor to a price adjustment under the terms of this contract except as specifically provided in paragraphs (f) and (I) below. No such failure shall constitute a breach of this contract, except that this provision shall not bar a breach-of-contract action if an amount finally determined to be due as a termination allowance remains unpaid for one year due solely to a failure to reserve sufficient additional funds therefore.
- (d) The Government may at any time reserve additional funds for payments under the contract if there are funds available for such purpose. The contracting officer will promptly notify the contractor of any additional funds reserved for the contract by issuing an administrative modification to the contract.
- (e) If earnings will be such that funds reserved for the contract will be exhausted before the end of any fiscal year, the contractor shall give written notice to the contracting officer of the estimated date of exhaustion and the amount of additional funds which will be needed to meet payments due or to become due under the contract during that fiscal year. This notice shall be given not less than 45 nor more than 60 days prior to the estimated date of exhaustion.
- (f) No payments will be made after exhaustion of funds except to the extent that additional funds are reserved for the contract. The contractor shall be entitled to simple interest on any payment that the contracting officer determines was actually earned under the terms of the contract and would have been made except for exhaustion of funds. Interest shall be computed from the time such payment would otherwise have been made until actually or constructively made, and shall be at the rate established by the Secretary of the Treasury pursuant to Public Law 92-41, 85 STAT 97, as in effect on the first day of the delay in such payment.
- (g) Any suspension, delay, or interruption of work arising from exhaustion or anticipated exhaustion of funds shall not constitute a breach of this contract and shall not entitle the contractor to any price adjustment under the "Suspension of Work" clause or in any other manner under this contract.

- (h) An equitable adjustment in performance time shall be made for any increase in the time required for performance of any part of the work arising from exhaustion of funds or the reasonable anticipation of exhaustion of funds.
- (i) If, upon the expiration of sixty (60) days after the beginning of the fiscal year following an exhaustion of funds, the Government has failed to reserve sufficient additional funds to cover payments otherwise due, the contractor, by written notice delivered to the contracting officer at any time before such additional funds are reserved, may elect to treat his right to proceed with the work as having been terminated. Such a termination shall be considered a termination for the convenience of the Government.
- (j) If at any time it becomes apparent that the funds reserved for any fiscal year are in excess of the funds required to meet all payments due or to become due the contractor because of work performed and to be performed under the contract during the fiscal year, the Government reserves the right, after notice to the contractor, to reduce said reservation by the amount of such excess.

(End of Summary of Changes)

CONTRACT NO.

CONTRACTOR

**SPECIFICATION SECTION**

01354

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SPECIFICATION SECTION

## Greenbrook FCP-Segment U Contract

02340

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SPECIFICATION SECTION

## Greenbrook FCP-Segment U Contract

CONTRACT NO.

(ER 415 1 -1 0)

### TITLE AND LOCATION

CONTRACTOR

SPECIFICATION SECTION

## Greenbrook FCP-Segment U Contract

02713

[illegible]



CONTRACT NO.

CONTRACTOR

**SPECIFICATION SECTION**

02770

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(ER 415 1-10)

03101

CONTRACTOR

GOVERNMENT  
ACTION

PAGE 1 OF 1 PAGES

CONTRACT NO.

TITLE AND LOCATION			
Greenbrook FCP-Segment U Contract			

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